

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

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In re:

VICTOR MACEO DANDRIDGE, III

Case No. 17-60578

Chapter 7

Debtor

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**MOTION FOR AUTHORITY TO CONDUCT PUBLIC AUCTION SALE  
OF PERSONAL PROPERTY; AND NOTICE OF HEARING**

TO THE HONORABLE REBECCA B. CONNELLY, U. S. BANKRUPTCY JUDGE:

Comes now W. Stephen Scott, Trustee in Bankruptcy for the above-styled Debtor (“Trustee”), by counsel, and files this Motion pursuant to 11 U.S.C. § 363(b), and Bankruptcy Rules 6004, and 9013, seeking an order from the Court authorizing the Trustee to sell certain personal property of the Debtor’s estate, at a public auction sale, for cash. In support of this Motion, Trustee states unto the Court as follows:

1. That the Debtor filed a voluntary chapter 7 bankruptcy petition on March 24, 2017 (the ‘Petition Date’), and the Trustee was duly appointed and so qualified as Successor Trustee of his bankruptcy estate on May 15, 2017. Trustee continues as the permanent trustee of the case. The § 341 meeting of creditors was held on April 24, 2017 and, upon information and belief, the Debtor appeared before Hannah W. Hutman, the original Trustee, in person, with his attorney and testified regarding his debts, assets and financial affairs. The continued meeting of creditors was conducted and concluded on May 26, 2017 by the Trustee.

2. Trustee has determined that the following-described personal property is property of the estate, to-wit: 1997 Ford F-150 4WD Truck VIN1FTDX18W6VKC04003(the “Property”).

3. The Debtor listed the Property in his Schedule A/B: Property as having a value of \$300.00. The Trustee’s Auctioneer, Mike Torrence, of Torrence, Read & Forehand Auctions, 101 Annjo Court, Forest, VA inspected the Property and estimated its value at \$2,500.00. The Debtor has not claimed an exemption in the Property in his Schedule C: The Property You Claim as Exempt.

4. Virginia Broadcasting, LLC claims a judgment lien in the Property (Claim #3 filed 6/26/17) pursuant to a Sheriff’s levy. Upon information and belief, said levy attached on or about 30 days prior to the Petition Date and, as such, this lien is avoidable pursuant to 11 U.S.C. § 547.

5. By separate Application, Trustee shall seek authority from the Court to employ Torrence, Read, & Forehand, of 101 Annjo Court, Forest, VA 24551 in the professional capacity of Auctioneer for the Trustee to conduct a public auction sale of the Property. The Auctioneer shall be paid a 10% Auctioneer's Commission (5% Sale Commission plus a 5% Buyer's Premium), plus reimbursement of its expenses of \$400 for advertising, vehicle pick-up from Charlottesville to the auction location, and vehicle preparation for sale. All of the terms and conditions relating to the Trustee's employment of Auctioneer are set forth in the employment application between the Trustee and the Auctioneer which shall be filed separately in this case.

6. Trustee recommends that the Property be sold at **Public Auction** on a date, time and location to be agreed to between the Trustee and the Auctioneer which shall be noticed to creditors and parties in interest by the Trustee in accordance with applicable Bankruptcy Rules.

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE:**

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in the bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to grant the Motion, or if you want the court to consider your views on the Motion, then on or before **seven (7) days prior to the hearing date shown below**, you or your attorney must:

1. File with the court a written response and a request for a hearing at:

Clerk, U. S. Bankruptcy Court  
1100 Court Street, Room 166, Lynchburg, VA 24504

2. If you mail your written response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.
3. You must also mail a copy to:

Office of the U. S. Trustee	W. Stephen Scott, Trustee
First Campbell Square Building	P. O. Box 1312
210 First Street, Suite 505, Roanoke, VA 24011	Charlottesville, VA 22902

If a written response or objection is timely filed and served in accordance with this Notice and the time limit set forth herein above it will be considered by the Court along with the foregoing **Motion** at a hearing in United States Bankruptcy Court on **Thursday, August 17, 2017 at 10:00 A.M., at United States Bankruptcy Court, U. S. Courthouse and Federal Building,**

**Courtroom, 255 W. Main Street, Charlottesville, VA** or as soon thereafter as the parties may be heard. If no written response or objection is timely filed and served in accordance with this Notice and the time limit set forth herein above, the Court may grant the Trustee's motion without hearing.

WHEREFORE, your Trustee prays that he be granted authority to conduct a public auction sale of the Property, for cash; and that he be granted such other and further relief as is deemed proper.

Dated: July 18, 2017

Respectfully submitted,  
W. STEPHEN SCOTT, TRUSTEE  
By Counsel

/s/ W. Stephen Scott  
W. Stephen Scott, Esq. (VSB#14301)  
P. O. Box 1312, Charlottesville, VA 22902  
434-227-5520  
wsscott7trustee@earthlink.net  
Counsel for the Trustee

#### **CERTIFICATE OF SERVICE**

I hereby certify that on July 19, 2017, I filed the foregoing Motion and Notice referenced therein with the Court by the CM/ECF system, causing a copy thereof to be served electronically on counsel for the Debtor, the U. S. Trustee, and all parties requesting electronic service in this case, and on the same date I served a copy of the foregoing Motion and Notice by first class mail, postage prepaid, upon the Debtor and all parties in interest as listed on the Court's creditor mailing matrix.

/s/ W. Stephen Scott